

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES LEE WRIGHT,

Defendant.

No. CR02-275Z

ORDER ON LIMITED REMAND

This matter comes before the Court as a result of a LIMITED REMAND Order of the Ninth Circuit Court of Appeals¹, pursuant to United States v. Ameline, 409 F.3d 1073 (9th Cir. 2005) (en banc). In accord with the limited remand procedures adopted in United States v. Ameline, the Court must determine whether the Court's sentencing decision "would have been materially different had the Judge been aware that the Guidelines were advisory." Ameline, 409 F.3d at 1079. The Court permitted the parties to file supplemental pleadings and to advance sentencing arguments previously barred or deemed "not ordinarily relevant" pursuant to United States v. Booker, 530 U.S. 220 (2005). See Order, docket no. 79.

On March 28, 2003, this Court sentenced Defendant James Lee Wright to fifteen (15) years custody and three (3) years supervised release as a result of his guilty plea to one count of Production of Material Involving the Exploitation of Children, a violation of 18 U.S.C. §§

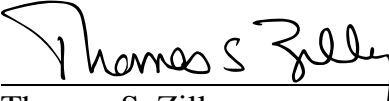
¹Ninth Circuit, Case No. 03-30142.

1 2251(a) and (d) and 18 U.S.C. § 2252. See Minutes of Sentencing, docket no. 60. The
2 Court has reviewed all supplemental pleadings and the sentencing factors considered by the
3 Court prior to the original sentencing. Based on this review, the Court finds that the Court's
4 sentencing decision would not have been materially different had the Court known the
5 Sentencing Guidelines were advisory. Accordingly, no further hearing is required in this
6 case.

7 The Clerk is directed to close this case.

8 IT IS SO ORDERED.

9 DATED this 13th day of December, 2005.

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12 Thomas S. Zilly
13 United States District Judge
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